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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MORAN TOWING AND
TRANSPORTATION LLC,

CIVIL ACTION NO.: 08-CV-01879

Plaintiff,

- against -

LEE RACHAL,

Defendant.

**ORIGINAL ANSWER OF LEE RACHAL TO AMENDED COMPLAINT BY
MORAN TOWING AND TRANSPORTATION LLC FILED SUBJECT TO HIS
MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION AND,
ALTERNATIVELY, TO TRANSFER ON GROUNDS OF *FORUM NON CONVENIENS***

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW DEFENDANT, LEE RACHAL, and in answer to Plaintiff's Complaint,
subject to his Motion to Dismiss for Lack of Personal Jurisdiction and, Alternatively, to Transfer
on Grounds of *Forum Non Conveniens* would show this Honorable Court the following:

I.

Defendant admits the allegations in paragraph 1.

II.

Defendant admits the allegations in paragraph 2.

III.

Defendant has no personal knowledge and can neither admit or deny the allegations in paragraph 3.

IV.

Defendant admits the allegations in paragraph 4.

V.

Defendant denies the allegations in paragraph 5.

VI.

Defendant admits the allegations in paragraph 6.

VII.

Defendant admits the allegations in paragraph 7.

VIII.

Defendant cannot admit or deny the allegations in paragraph 8 as he does not have such accounting records.

IX.

Defendant denies the allegations in paragraph 9.

X.

Defendant denies the allegations in paragraph 10.

_____ Defendant denies allegations in the prayer that this Court determine and adjudicate as there is no personal jurisdiction over the Defendant nor is this a convenient or appropriate forum

to adjudicate these issues. Further, Plaintiff has a continuing obligation to provide maintenance and cure until he reaches maximum medical improvement.

WHEREFORE, PREMISES CONSIDERED, Defendant Lee Rachal prays that the Complaint of Moran Towing and Transportation LLC be dismissed, or in the alternative, that the matter be transferred to the Eastern District of Texas, Beaumont Division upon final hearing judgment be entered that Plaintiff Moran Towing and Transportation LLC take nothing by their suit against Defendant Lee Rachal and that Defendant be awarded his costs incurred in the defense of this action, together with all other and further relief to which he may be justly entitled.

Respectfully submitted,

/s/ Walter Z. Steinman
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CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2008, I have electronically filed the foregoing Original Answer of Lee Rachal to the Amended Complaint by Moran Towing and Transportation LLC with the Clerk of Court by using the CM/ECF system which will electronically serve a Notice of Electronic Filing and the foregoing pleading on counsel for all parties to this proceeding.

/s/ Walter Z. Steinman

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